

## **REMARKS**

Claims 10, 12-18 and 21-34 are pending in the present application.

Claims 10, 12, 13, 15, 18, 21 and 22 are amended to more specifically set forth the invention and to correct dependency issues.

Claims 23-34 are newly entered claims.

Claims 1-9, 11, 19 and 20 have been cancelled.

No new matter is entered as a result of the amendments.

## Election/Restrictions

Applicants acknowledge election of Group II now including claims 10, 12-18 and 21-34.

## Claim Objections

Claims 13-18 and 21-22 are objected to under 37 CFR 1.75(c) as being improper due to dependency. The objection is rendered moot by amendment. Initial examination on the merits is respectfully requested.

### Claim Rejections - 35 USC § 102

Claims 10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kinney et al. (USP 4,839,049).

Kinney teaches formation of a porous alumina filter. As set forth throughout the specification infiltration of a foam with small pore size (60 ppi or finer) has proven to be very difficult in the art. The present invention achieves infiltration to a degree not available in Kinney.

Evidence of the differences between the two filters is readily available by comparing the text. Kinney only utilizes a foam with a porosity of 30 ppi or coarser. Therefore, the pore size used in Kinney is at least twice that stated in claims 10 and 12. Examination of the results demonstrates that average compressive strength decreases dramatically from 10 ppi foam to 30 ppi foam. Kinney demonstrates a decrease in compressive strength from about 184 (Example VI) to about 71 (example III). The presently claimed invention has pore sizes which are half the size those used in Kinney and the strength is higher in many examples as set forth in Table 3 of the instant application.

As demonstrated in the instant examples the formulation of Kinney would not be capable of impregnating a foam with a pore

size of 60 ppi or finer to a degree sufficient to achieve the compressive yield strength of the claimed filter.

The filter described by Kinney is not the same, nor is it similar, to the claimed invention. The relationship between porosity, density and strength can not be achieved by the teachings of Kinney.

The rejection of claims 10 and 12 under 35 U.S.C. 102(b) as being anticipated by Kinney et al. are rendered moot by amendment.

#### New Claims

Claims 23-34 are newly entered claims which are of the same scope as previous claims with corrected dependency.

## CONCLUSIONS

Claims 10, 12-18 and 21-34 are pending in the present application. All claims are believed to be in condition for allowance. Notice thereof is respectfully requested.

Respectfully submitted,

  
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